

Jeffery J. Oven (#6-3371)
Christopher C. Voigt (#6-3313)
CROWLEY FLECK PLLP
500 Transwestern Plaza II
490 N. 31st Street, Suite 500
P.O. Box 2529
Billings, MT 59103-2529
Phone: (406) 252-3441
Facsimile: (406) 252-5292
joven@crowleyfleck.com
cvoigt@crowleyfleck.com

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

KATHY SHARMAN and PHIL)	Cause No. 09-CV-108-B
SHARMAN, wife and husband,)	
)	
Plaintiffs,)	
)	
vs.)	DEFENDANTS' ANSWER
)	AND JURY DEMAND
POWELL VALLEY HEALTHCARE,)	
INC., and ELIZABETH SPOMER,)	
M.D.)	
Defendants,)	

COMES NOW, Defendants Powell Valley Healthcare, Inc. and Elizabeth Spomer, M.D. (hereinafter "Defendants"), and file this Answer and Jury Demand.

1. Answering Paragraph 1 of the Complaint, Defendants are without sufficient information to form a belief as to the truth of the allegations contained therein and, therefore, deny those allegations.

2. Defendants admit that it exists under the laws of the State of Wyoming and that it has its place of business in Powell, Park County, Wyoming.

3. Defendants admit the allegations contained in Paragraph 3.

4. Defendants deny each and every allegation contained in Paragraph 4.

5. Defendants deny each and every allegation contained in Paragraph 5.

6. In answering Paragraph 6, Defendants are without sufficient information to form a belief as to the truth of the allegations contained in said paragraph and, therefore, deny those allegations.

7. In answering Paragraph 7, Defendants are without sufficient information to form a belief as to the truth of the allegations contained in said paragraph and, therefore, deny those allegations.

8. In answering Paragraph 8, Defendants are without sufficient information to form a belief as to the truth of the allegations contained in said paragraph and, therefore, deny those allegations.

9. Defendants admit the allegations contained in Paragraph 9.

10. Defendants deny each and every allegation contained in Paragraph 10.

11. Defendants deny each and every allegation contained in Paragraph 11.

12. Defendants deny each and every allegation contained in Paragraph 12.

13. Defendants deny each and every allegation contained in Paragraph 13.

14. Defendants deny each and every allegation contained in Paragraph 14.

15. Answering Paragraph 15 of the Complaint, Defendants refer to their responses to Paragraphs 1 through 14 above and incorporate those responses herein.

16. In answering Paragraph 16, Defendants are without sufficient information to form a belief as to the truth of the allegations contained in said paragraph and, therefore, deny those allegations.

17. Defendants deny each and every allegation contained in Paragraph 17.

18. Defendants deny each and every allegation contained in Paragraph 18.

FIRST AFFIRMATIVE DEFENSE

19. As a first affirmative defense to each cause of action in the Complaint, Defendants allege that the Complaint does not state facts sufficient to constitute a cause of action against Defendants.

SECOND AFFIRMATIVE DEFENSE

20. As a second affirmative defense to each cause of action in the Complaint, Defendants deny each and every allegation contained in Plaintiffs' Complaint not heretofore specifically admitted, denied or qualified.

THIRD AFFIRMATIVE DEFENSE

21. As a third affirmative defense to each cause of action in the Complaint, Defendants allege that Plaintiffs' damages, if any, were caused by unforeseeable, intervening and independent factors unrelated to the actions of the Defendants or its agents.

FOURTH AFFIRMATIVE DEFENSE

22. As a fourth affirmative defense to each cause of action in the Complaint, Defendants allege that Plaintiffs were careless and negligent in the matters alleged, thereby causing and contributing to any injury or damage to Plaintiffs.

FIFTH AFFIRMATIVE DEFENSE

23. As a fifth affirmative defense to each cause of action in the Complaint, Plaintiffs have failed to mitigate their damages.

SIXTH AFFIRMATIVE DEFENSE

24. As a sixth affirmative defense to each cause of action in the Complaint, Defendants hereby give notice that they intend to rely upon such other affirmative defenses as may become available or apparent during the course of discovery or other proceedings and thus reserve the right to amend this list to assert such other defenses to which they may be entitled.

WHEREFORE, Defendants pray as follows:

1. That Plaintiffs take nothing by their Complaint and that Defendants be awarded judgment in their favor;
2. For Defendants' costs of suit;
3. For any other relief the Court finds just, proper or appropriate.

DEMAND FOR JURY TRIAL

Defendants hereby demand a trial by jury.

Dated this 13th day of July, 2009.

CROWLEY FLECK, PLLP

By /s/ Jeffery J. Oven
Jeffery J. Oven
P. O. Box 2529
Billings, MT 59103-2529
Attorneys for Defendants

Wyoming Business Address of
Record:
PMB 205
1842 Sugarland Drive #108
Sheridan, WY 82801-5719

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2009, a copy of the foregoing document was served on the following persons by the following means:

1, 2, 3, CM/ECF
_____ Hand Delivery
_____ Mail

1. Clerk, U.S. District Court
2. Larry G. Grubbs
 Lynaugh, Fitzgerald, Eiselein & Grubbs
 Billings, MT 59103-1729
3. William L. Simpson
 Simpson, Kepler & Edwards, LLC
 Cody, WY 82414

/s/ Jeffery J. Oven
Jeffery J. Oven
CROWLEY FLECK, PLLP
Attorneys for Defendants